

**CALENDAR ITEM**

**C78**

A 34

04/20/17

W 6005.173

S 18

R. B. Greenwood

**CONSIDER AN APPLICATION FOR A  
GENERAL PERMIT TO CONDUCT GEOLOGICAL SURVEYS  
ON STATE-OWNED SOVEREIGN LAND, LOCATED IN THE  
NORTHWESTERN PORTION OF OWENS LAKE,  
INYO COUNTY**

**APPLICANT:**

City of Los Angeles Department of Water and Power

**BACKGROUND:**

The City of Los Angeles Department of Water and Power (LADWP) has applied for a 6-month General Permit to conduct Geological Surveys (Permit) to drill two test water wells and one water monitoring well. The Permit would be used to collect samples to study the lithology and hydrogeology of the aquifer under the dry bed of Owens Lake and to monitor ground water levels and water quality. The proposed survey involves drilling three wells to a total depth of 1,500 feet. Drilling and sampling will be conducted at locations depicted on attached Exhibit A using common drilling methods, down-hole sampling, down-hole geophysical surveys and well testing over a 6-month period.

As stated above, two test wells and one monitoring well will be drilled. Three 10-inch-diameter holes will be drilled using water or bentonite clay drilling fluid. After drilling and reaming, steel casing will be cemented in the boreholes and any drill cuttings and drilling fluid will be retained and properly disposed of offsite. If requested, the Commission will receive copies of all data collected under this Permit.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Public Trust and State's Best Interests Analysis:**

The LADWP is a public agency. The Permit would allow the applicant to obtain hydrogeologic data for underground water use at the site. LADWP conducted an evaluation of groundwater at Owens Lake between 2009 and 2012. That evaluation project included compiling existing information, field data collection, updating the conceptual model of Owens Lake

CALENDAR ITEM NO. **C78** (CONT'D)

hydrogeology, and developing a computer model of groundwater under the lake. The evaluation project determined that it could be feasible to pump groundwater for use in dust mitigation at Owens Lake. However, the amount of groundwater that can be sustainably pumped (i.e., without depleting the aquifer or impacting the seeps and springs) depends on an improved understanding of Owens Lake geology, and particularly the hydrogeologic characteristics of the Owens Valley and Owens River faults. The survey will be used to determine the criteria required to manage pumping and to ensure protecting the groundwater resource. The Commission reserves all of its rights and interest in the groundwater resources, and its authority over any future use of planned groundwater pumping for dust control on Owens Lake. The proposed water wells will be used only for scientific testing purposes and will not be used as future production wells.

Collection of scientific data is a use recognized by the courts to be consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) This analysis is limited to the specific use of the wells for the collection of scientific data. Staff's recommendation does not include an analysis or opinion regarding the use of groundwater pumping for dust control measures on the lake. In the event LADWP proposes the use of groundwater for dust control measures in the future, further staff analysis will be required. The 6-month non-exclusive Permit contains restrictions that protect public rights and environmental resources. Commission staff believes that granting the Permit will not substantially interfere with Public Trust needs at this time, or for the foreseeable term of the Permit.

For all the reasons above, Commission staff believes the approval of the Permit application is consistent with the common law Public Trust Doctrine and is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geological Survey Permit application.

**TERM OF PROPOSED PERMIT:**

Six months beginning April 20, 2017, through October 19, 2017.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Required fees, expense deposit and other security have been received.

CALENDAR ITEM NO. **C78** (CONT'D)

**STATUTORY AUTHORITY AND OTHER REFERENCES:**

- A. Public Resources Code sections 6005, 6212.2, 6106, 6301 and 6501.1
- B. California Code of Regulations, title 2, section 2905, subdivisions (e)(1) and (e)(3)
- C. California Code of Regulations, title 14, section 15061

**OTHER PERTINENT INFORMATION:**

- 1. The staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivisions (e)(1) and (e)(3).

Authority: Public Resources Code section 21084; California Code of Regulations, title 14, section 15300; and California Code of Regulations, title 2, section 2905.

- 2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.
- 3. This action is consistent with Strategy 1.1 of the Commission’s Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission’s jurisdiction.

**EXHIBIT:**

- A. Northwest Owens Lake Project Area

CALENDAR ITEM NO. **C78** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDINGS:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivisions (e)(1) and (e)(3).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that proposed Permit will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Permit to conduct Geological Surveys to the City of Los Angeles Department of Water and Power to conduct geologic surveys in Owens Lake for the period from April 20, 2017, through October 19, 2017, within project locations as designated on Exhibit A, attached and incorporated by reference herein.

